

Notice of Allowability

Application No.

10/828,480

Examiner

Wayne Cai

Applicant(s)

LAIR, JOHN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/05/2006.
2. ☒ The allowed claim(s) is/are 1,3,7-12,15,16,19,21,24 and 25 have been re-numbered as 1-14 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

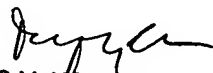
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carl Benson (Reg. No. 38,378) on June 9, 2006.

The application has been amended as follows:

In the Claims:

Claim 1 (Currently Amended) An apparatus for wirelessly communicating audio information to and from a half-duplex radio, the apparatus comprising:

an adapter for operable connection to a portable half-duplex radio, and
a wireless headset for wirelessly communicating information to the adapter;

wherein

said wireless headset comprises:

a body adapted to be worn on a user's head;

a speaker assembly included in the body ~~and adapted~~ to output audio information to the user;

a microphone assembly included in the body ~~and adapted~~ to receive audio information from the user;

a switch positioned on the body; and

an encoder adapted to convert an analog signal representative of the audio information from the user to digital signal;

a processor operably connected to the encoder and adapted to packetize the digital signal; and

a transceiver adapted to wirelessly transmit a first transmit mode signal representative of an engagement of the switch to the adapter and to wirelessly transmit the packetized digital signal of the audio information; and
said adapter comprises:

an interface for operable connection to the portable half-duplex radio;

a transceiver adapted to receive the first transmit mode signal directly from the wireless headset; and

a processor connected to the interface adapted to provide a second transmit mode signal to the half-duplex radio upon receipt of the first transmit mode signal, the second transmit mode signal for causing the half-duplex radio to enter a half-duplex transmission mode.

Claim 19 (Currently Amended) The apparatus as in Claim 1, wherein the adapter processor ~~is adapted to receive~~ receives audio information via the adapter transceiver and ~~provide~~ provides the audio information to the half-duplex radio via the interface.

Claim 21 (Currently Amended) The apparatus as in Claim 1, wherein the adapter processor ~~is adapted to receive~~ receives audio information from the half-duplex

Art Unit: 2617

communications device radio via the interface and ~~transmit~~ transmits at least a portion of the audio information via the adapter transceiver.

Claims 26-33 (Cancelled)

(END OF AMENDMENT)

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

The Examiner performed an update search; however, no prior art found could be applied under 35 U.S.C. § 102 rejections. The combination of prior arts, however, teaches all limitations within claim (i.e., obviousness type of rejections could be applied.) However, the Applicants filed Declarations under 37 C.F.R. § 1.132 dated June 10, 2005, and more Declarations filed on December 12, 2005 as evidence for secondary considerations. The Examiner then had to carefully review, and evaluate evidence submitted in determining the patentability of this instant application.

Since the Affidavits or Declarations submitted showed a long-felt need in the industry, and evidence of commercial success through an increased sales due to the merits of a claimed limitations (i.e., the use of the wireless headset and adapter connected to a two-way half-duplex radio.) Also, there were many agencies having an interest in purchasing the product because of flexibility of hand-free and wireless communications.

Therefore, even though the prior arts found could be combined to teach all limitations within claims; however, the evidence submitted for secondary considerations were convincing. Therefore, the present application is allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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